

REMARKS

In the Response, Claim 1 is amended and Claim 7 is cancelled. Claims 1-6 and 8-10 are pending in the application.

Rejections of the Claims under 35 U.S.C. § 102

Claims 1-6, 8, and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication 2003/0028641 of Zhang et al. ("Zhang").

Applicants amend independent Claim 1 to more clearly point out that the comparing, calculating and determining operations are performed by an ingress node. By contrast, in the disclosure of Zhang, the comparing, calculating and determining operations are performed by a broker controller. As shown in Figure 1 of Zhang, a broker controller is a general purpose computer, which is different from one of the network nodes.

Further, the broker controller of Zhang and the recited ingress edge node calculate bandwidth at different times. As Applicant pointed out in the previous response, Zhang does not disclose calculating an amount of additional bandwidth to be requested from the bandwidth broker when the amount of the remaining bandwidth does not satisfy the amount of the bandwidth required for the connection setup requesting call. Rather, Zhang discloses that the broker controller uses a link-level database 808 to allocate bandwidth when a new flow request is received (paragraph 33 and Figure 8). In the Response to Arguments on page 7 of the Action, the Examiner indicates that Zhang also discloses that the broker controller calculates a bandwidth quota for a link (paragraph 42 of Zhang). However, the broker controller of Zhang does not calculate a bandwidth quota when the remaining bandwidth does not satisfy the required bandwidth for a connection setup requesting call. Rather, the broker controller of Zhang calculates a bandwidth quota when a flow departs a path and frees up bandwidth. Thus, the broker controller of Zhang and the recited ingress edge node calculate bandwidth at different times.

Allowable Subject Matter

Applicants note with appreciation that Claims 7 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 is cancelled. Claim 10 depends from Claim 1. Applicants submit that the amendment to Claim 1 has obviated the need to rewrite Claim 10. Accordingly, withdrawal of the objection to Claim 10 is requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

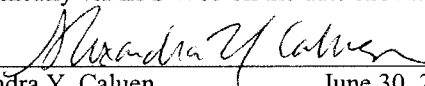
Dated: June 30, 2008

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.


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June 30, 2008